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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NC

CV-20 80176 MISC

IN RE OLEGS FILS,
Applicant,

For Order Authorizing Discovery For
Use In Foreign Proceedings Under 28
U.S.C. § 1782

DECLARATION OF JOSEPH R.
ASHBY IN SUPPORT OF EX
PARTE APPLICATION FOR THE
ISSUANCE OF SUBPOENAS
DUCES TECUM PURSUANT TO 28
U.S.C. § 1782 TO SPECIALIZED
HELICOPTERS, INC., HYATT
CORPORATION, HYATT
CARMEL HIGHLANDS ALSO
KNOWN AS HIGHLANDS INN,
INC., BURST + BLOOM,
SOMMPICKS LLC, BENCHMARK
WINE GROUP, INC., AND
BELMONT WINE EXCHANGE,
LLC

DECLARATION OF JOSEPH R. ASHBY

FILED
OCT 05 2020
SUSAN Y. SOONG
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

By Fax

DECLARATION OF JOSEPH R. ASHBY

I, Joseph R. Ashby, declare as follows:

1. I am an attorney licensed to practice in California and a partner with the law firm Sergenian Ashby LLP, counsel for applicant Olegs Fils in this matter. This declaration is submitted in support of Mr. Fils' application to obtain discovery under 28 U.S.C. § 1782. Unless otherwise stated, I have personal knowledge of the facts set forth in this declaration. If called as a witness for this purpose, I could and would testify competently under oath to the facts stated below.

2. Attached as **Exhibit 1** is a true and correct copy of the Statement of Information for Specialized Helicopters, Inc. that shows as having been filed with the California Secretary of State on November 14, 2016. As shown in **Exhibit 1**, Specialized Helicopters, Inc. is physically present in the Northern District of California, as it is located at 150 Aviation Way, Suite 101, Watsonville, California.

3. Attached as **Exhibit 2** is a true and correct copy of the Hyatt Carmel Highlands main webpage from the hyatt.com website, specifically, <https://www.hyatt.com/en-US/hotel/california/hyatt-carmel-highlands-overlooking-big-sur-coast-and-highlands-inn-a-hyatt-residence-club/higph>, as obtained on October 1, 2020. As shown in **Exhibit 2**, Hyatt Corporation is physically present in the Northern District of California because the Hyatt Carmel Highlands, a Hyatt branded hotel, operates at 120 Highlands Drive, Carmel, California 93923.

1 4. As shown in **Exhibit 2** Hyatt Carmel Highlands, which on information
2 and belief has also been known as Highlands Inn, Inc., is physically present in the
3 Northern District of California because the Hyatt Carmel Highlands hotel operates
4 at 120 Highlands Drive, Carmel, California 93923.

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6 5. Attached as **Exhibit 3** is a true and correct copy of the Instagram page
7 for Burst + Bloom. As shown in **Exhibit 3**, Burst + Bloom is physically present in
8 the Northern District of California, because it is located at The Crossroads Carmel,
9 238 Crossroads Blvd., Carmel, California 93923.

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11 6. Attached as **Exhibit 4** is a true and correct copy of the "About
12 SommPicks" page from the SommPicks website, specifically,
13 <https://www.sommpicks.com/pages/about-sommpicks>, as obtained on October 1,
14 2020. **Exhibit 4** states that "SommPicks allows members to access difficult-to-
15 source wines and provides personalized attention throughout the discovery and
16 selection process." Attached as **Exhibit 5** is a true and correct screenshot of the
17 "Browse" page from the SommPicks website, specifically,
18 https://www.sommpicks.com/collections/all?&sort=published_at:DESC&page=1, as
19 obtained on October 1, 2020. **Exhibit 5** shows SommPicks offering a selection of
20 wine and beer. **Exhibit 6** is a true and correct Statement of Information for
21 SommPick, LLC that shows as having been filed with the California Secretary of
22 State on December 4, 2019. As shown in **Exhibit 6**, Sommpicks, LLC is physically
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1 present in the Northern District of California, because it is located at 440 Talbert
2 Street, Daly City, California, 94014.

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4 7. Attached as **Exhibit 7** is a true and correct copy of the "About
5 Benchmark" page from the Benchmark Wine Group website, specifically,
6 <https://benchmarkwine.com/pages/about>, as obtained on October 1, 2020. **Exhibit 7**
7 states that "Established in 2002, Benchmark Wine Group is the leading source of
8 fine and rare wine for wine retailers, restaurants and collectors around the world. ...
9 Benchmarkwine.com offers 24 hour access to our cellar, displaying inventory in real
10 time." **Exhibit 8** is a true and correct Statement of Information for Benchmark Wine
11 Group, Inc. that shows as having been filed with the California Secretary of State on
12 February 22, 2017. As shown in **Exhibit 8**, Benchmark Wine Group, Inc. is
13 physically present in the Northern District of California, because it is located at 445
14 Devlin Road, Napa, California, 94558.

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16 8. Attached as **Exhibit 9** is a true and correct copy of "About Us" page
17 from the Belmont Wine Exchange website, specifically,
18 <https://www.belmontwine.com/about-us.html>, as obtained on October 1, 2020.
19 **Exhibit 9** states: "Our inventory comes primarily from private wine cellars. With
20 each acquisition, we verify provenance, including storage conditions, and inspect all
21 wines." **Exhibit 10** is a true and correct Statement of Information for Belmont Wine
22 Exchange, LLC that shows as having been filed with the California Secretary of
23 State on September 6, 2020. As shown in **Exhibit 10**, Belmont Wine Exchange,
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1 LLC is physically present in the Northern District of California, because it is located
2 at 25811 Clawiter Road, Hayward, California, 94545.

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4 9. Attached as **Exhibit 11** is a proposed Subpoena to Produce Documents,
5 Information, or Objects or to Permit Inspection of Premises to Specialized
6 Helicopters, Inc. requesting production of documents.

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8 10. Attached as **Exhibit 12** is a proposed Subpoena to Produce Documents,
9 Information, or Objects or to Permit Inspection of Premises to Hyatt Corporation
10 requesting production of documents.

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12 11. Attached as **Exhibit 13** is a proposed Subpoena to Produce Documents,
13 Information, or Objects or to Permit Inspection of Premises to Hyatt Carmel
14 Highlands, also believed to have been known as Highlands Inn, Inc., requesting
15 production of documents.

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17 12. Attached as **Exhibit 14** is a proposed Subpoena to Produce Documents,
18 Information, or Objects or to Permit Inspection of Premises to BURST + BLOOM
19 requesting production of documents.

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21 13. Attached as **Exhibit 15** is a proposed Subpoena to Produce Documents,
22 Information, or Objects or to Permit Inspection of Premises to SommPicks, LLC
23 requesting production of documents.

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25 14. Attached as **Exhibit 16** is a proposed Subpoena to Produce Documents,
26 Information, or Objects or to Permit Inspection of Premises to Benchmark Wine
27 Group, Inc. requesting production of documents.
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Executed on October 2, 2020, in Glendale, California.

Joseph R. Ashby
Joseph R. Ashby